

LAW ENFORCEMENT AGENCY INSTRUCTIONS

Do not include federal seizures and/or forfeitures on this form. This form is only for those seizures and/or forfeitures made pursuant to Chapter 59 of the Texas Code of Criminal Procedure.

I. SEIZED FUNDS PURSUANT TO CHAPTER 59 - Funds that have been seized but have not yet been awarded/forfeited to your agency by the judicial system.

A) Beginning Balance:

Include total amount of seized funds on hand (in your agency's possession) at beginning of reporting period, including interest. Include funds that may have been forfeited but have not been transferred to your agency's forfeiture account. **Do not** include funds that are in an account held by another agency, e.g., the District Attorney's account

B) Seizures During Reporting Period:

Include only those seizures which occurred during the reporting period and where the seizure affidavit required by Article 59.03 is sworn to by a peace officer employed by your agency. (e.g. seizing officer's affidavit)

B)1 If your agency turns its seized funds over to the District Attorney upon seizure and does not keep an in-house account (i.e. an account that your agency controls), you will report 0 on this line.

B)2 If your agency keeps seized funds in an in-house account until a judgment is issued ordering forfeiture of the funds, enter the amount here.

C) Interest Earned on Seized Funds During Reporting Period:

Enter amount of interest earned on funds in your agency's seizure account during the reporting period. Do not include interest earned if funds are on deposit in an account that does not belong to your agency, e.g. the District Attorney's account.

D) Amount Returned to Defendants/Respondents:

If you returned seized funds to the Defendant(s) enter that amount here. If you turn your funds over to the District Attorney prior to judgment, this should be 0.

E) Amount Transferred to Forfeiture Account:

Include all amounts in your agency's possession forfeited during the reporting period and transferred to your forfeiture account. Do not include funds that are in an account held by another agency, e.g. the District Attorney's account.

F) Other Reconciliation Items:

Use this line for situations where the agency's handling of funds differs causing accounts to remain unbalanced. Enter reconciliation amount here as a positive or negative amount (as appropriate). Please explain on a separate sheet and attach.

G) Ending Balance:

Include total amount of seized funds on hand (in your agency's possession) at end of reporting period. **Do not** include funds that are in an account held by another agency, e.g. the District Attorney's account. Add lines A, B(1), C and F, subtract lines D and E, put total in line G.

II. FORFEITED FUNDS AND OTHER COURT AWARDS PURSUANT TO CHAPTER 59- Funds awarded to your agency by the judicial system and which are available to spend.

A) Beginning Balance:

Include total amount of forfeited funds that have been forfeited **to your agency** and are on hand (in your agency's account or in your agency's possession) at beginning of the reporting period including interest. **Do not** include funds that have been forfeited but not yet received by your agency.

B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period:

Do not include amounts forfeited but not yet received by your agency; interest refers to the amount earned prior to forfeiture and distributed as part of the judgment of forfeiture.

C) Interest Earned on Forfeited Funds During Reporting Period :

Include only the amount of interest earned on funds in your agency's forfeiture account or interest earned on funds derived from the sale of forfeited property during the reporting period. Do not include interest earned if funds are on deposit in an account that does not belong to your agency, e.g. the District Attorney's account.

D) Amount Awarded Pursuant to 59.022 (f)(1):

Award by the court which involves costs incurred in investigating and identifying the location of the contraband, including discovery costs, reasonable attorney's fees, expert fees, other professional fees incurred by the attorney, and travel expenses.

E) Amount Awarded Pursuant to 59.023(a):

Proceeds that are gained from the commission of an offense listed in Article 59.01(2)(A) or (B).

F) Proceeds Received by Your Agency From Sale of Forfeited Property:

Include amounts received for all property sold during the reporting period, even if the subject property was forfeited in a prior reporting period.

G) Amount Returned to Crime Victims:

Example: theft, misapplication of fiduciary property.

H) Other Reconciliation Items:

Use this line for situations where the agency's handling of funds differs causing accounts to remain unbalanced. Enter reconciliation amount here as a positive or negative amount (as appropriate). Please explain on a separate sheet and attach.

I) Total Expenditures of Forfeited Funds During Reporting Period:

Enter Total from Section VI. N).

J) Ending Balance:

Include total amount of forfeited funds that have been forfeited **to your agency** and are on hand (in your agency's account

or in your agency's possession) at the end of the reporting period including interest. **Do not** include funds that have been forfeited but not yet received by your agency. Add lines A, B, C, D E and F, subtract lines G, H & I, place total in line J.

III. OTHER PROPERTY

List the number of items seized for each category. Include only those seizures where a seizure is made by a peace officer employed by your agency. If property is sold, list under "Proceeds Received by Your Agency From Sale of Forfeited Property" in Section II (D) in the reporting year in which the proceeds are received.

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited and 0 cars put into use.

IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

Enter the total number of items transferred to your agency where the forfeiture judgment awarded ownership of the property to another agency prior to the transfer.

- A)** Motor Vehicles - number of vehicles, not a currency amount
- B)** Real Property - number of separate parcels of property, not a currency amount
- C)** Computers- number of computers, not a currency amount
- D)** Firearms - the number of firearms, not a currency amount
- E)** Other - the number of items, not a currency amount

V. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY

Enter the total number of items transferred or loaned from your agency where the forfeiture judgment awarded ownership of the property to your agency prior to the transfer.

- A)** Motor Vehicles - number of vehicles, not a currency amount
- B)** Real Property - number of separate parcels of property, not a currency amount
- C)** Computers- number of computers, not a currency amount
- D)** Firearms - the number of firearms, not a currency amount
- E)** Other - the number of items, not a currency amount

VI. EXPENDITURES

This category is for **Chapter 59 expenditures SOLELY for law enforcement purposes** - not for expenditures made pursuant to your general budget. List the total amount expended for each of the categories. If proceeds are expended for a category not listed, state the amount and nature of the expenditure under the **Other** category.

BOTH CERTIFICATIONS MUST BE COMPLETED. THE CHAPTER 59 FORM WILL BE RETURNED TO YOU AND WILL NOT BE CONSIDERED RECEIVED UNTIL BOTH CERTIFICATIONS ARE SIGNED APPROPRIATELY BY AN OFFICIAL WITH PERSONAL KNOWLEDGE OF THE INFORMATION REPORTED AND BY THE AGENCY HEAD.

WE MUST HAVE THE ORIGINAL, SIGNED DOCUMENT.

WE CANNOT ACCEPT FAXED OR EMAILED COPIES. RETURN THE SIGNED, ORIGINAL DOCUMENT TO:

Office of the Attorney General
Criminal Prosecutions Division
P.O. Box 12548
Austin, TX 78711-2548
Attn: Kent Richardson
(512)463-1591
Chapter59AuditReport@texasattorneygeneral.gov